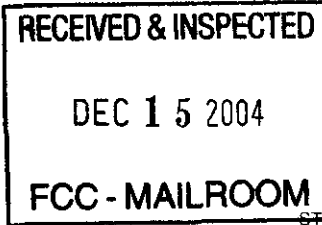




THOMAS L. WELCH
CHAIRMAN

STATE OF MAINE
PUBLIC UTILITIES COMMISSION
242 STATE STREET
18 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0018



STEPHEN L. DIAMOND
SHARON M. REISHUS
COMMISSIONERS

DOCKET FILE COPY ORIGINAL

December 14, 2004

Via Federal Express

The Honorable Michael Powell, Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Petition by RCC Minnesota, Inc., Pursuant to 47 C.F.R. Section 54.207(c) for Commission Agreement in Redefining the Service Areas of Rural Telephone Companies in the State of Maine*
CC Docket No. 96-45

Dear Chairman Powell:

We write to request that the Federal Communications Commission (FCC) move expeditiously to resolve the above-captioned matter, which has been pending before the FCC since October 2003. Our request is prompted in part by a communications we received from Sheriff Everett Flannery of Kennebec County, Maine who is very concerned about the lack of reliable cellular coverage in rural Maine.

I. Background

The Maine Public Utilities Commission received a request from RCC Minnesota, Inc. (RCC) on June 7, 2002, that we designate it as an eligible telecommunications carriers (ETC) pursuant to 214(e)(2) of the Telecommunications Act of 1996 (TelAct) and Section 54.201 of the FCC's Rules, 47 C.F.R. § 54.201. RCC is a predominately rural wireless carrier serving in many areas throughout the state. We opened a proceeding and invited comments and record evidence from all interested parties. After several technical conferences, the submission of prefiled testimony by RCC, three Maine legislators and nine other Maine citizens, we held a public hearing and oral argument on March 3, 2003. On May 13, 2003, we issued our Order.

One of the issues litigated before us was whether we should order several of the independent telephone companies (ITCs) to redefine their service areas because RCC's study area boundaries are not contiguous with the ITCs' boundaries. We found that in order to certify RCC in these wire centers, we had to first make certain findings required under the legal standard applicable at that time and redefine the ITCs' study areas. Upon consideration of all the evidence before us, we found that cream-skimming concerns were alleviated by the fact that RCC had not specifically picked the exchanges or partial

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exchanges that it will serve but instead the area was defined by the FCC in its wireless licensing process. It did not appear to us that RCC was targeting any specific areas or that any of the partial exchanges would result in a windfall due to service to a highly populated area because all of the partial exchanges are located in very rural areas of Maine. Further, we found that the affected ETCs had the option of disaggregating their USF support beyond wire center boundaries, thereby lessening the opportunity for a windfall for RCC should only customers in less rural areas subscribe to RCC's service.

On June 24, 2003, pursuant to the process set forth in 47 C.F.R. § 207(c), RCC filed a petition with the FCC requesting that it concur with our redefinition of the ITCs' study areas. In late July and early August, the Telephone Association of Maine (an industry association representing Maine's ITCs) and RCC filed comments on RCC's petition. No further filings were made or actions taken by the FCC until April 24, 2004, when the FCC issued a Notice inviting the parties to refresh the record in the proceeding. TDS Telecom (the parent company of several ITCs impacted by the redefinition issue) and RCC filed comments on May 28, 2004, and June 9, 2004, respectively. Since that time, no action has been taken on RCC's petition.

II. Impact on Rural Maine

As discussed in the attached Resolution of the Maine Sheriffs' Association, rural areas in Maine do not enjoy the same quality of wireless service found in more urban areas because the topology and demographics require significant network investments by wireless carriers that are not easily recovered in sparsely populated areas. As pointed out by the Sheriffs' Association, the lack of reliable cellular service directly impacts public safety and law enforcement activities in rural areas. Thus, the Sheriffs' Association, as well as other public safety officials who submitted testimony in our proceeding, believe that the \$2.2 million dollars in universal service funds (USF), which will be available if the FCC concurs with our redefinition of the ITC study areas, could help build out wireless networks in rural Maine and improve cellular coverage.

III. Request for Action

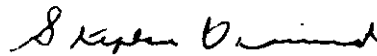
We understand that the Commission has many important issues pending before it. We ask, however, that every effort be made to resolve this matter as soon as possible. Having invested the time to give careful consideration to the evidence and arguments presented to us in connection with RCC's request, we believe it would be unfortunate if the matter became permanently stalled at the FCC, especially given the level of interest by parties in Maine.

Thank you for your consideration of our request. If you or your staff have any questions or if we can provide you with any further information, please contact Trina Bragdon at (207) 287-1392.

Sincerely,



Thomas L. Welch
Chairman



Stephen Diamond
Commissioner



Sharon Reishus
Commissioner

cc: Commissioner Kathleen Q. Abernathy
Commissioner Michael J. Copps
Commissioner Kevin J. Martin
Commissioner Jonathan S. Adelstein
Marlene H. Dortch, Secretary
Thomas Navin, Div. Chief
Kimball Kenway (via U.S. Mail)
Benjamin Sanborn (via U.S. Mail)
Gerard Woldron (via U.S. Mail)



Maine Sheriffs' Association

11 Columbia Street

Augusta, ME 04330

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Maine's Sheriffs - "Your choice for Law Enforcement & Corrections"



December 6, 2004

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Sheriff James Madore, 1st VP

Ardenne County

Sheriff Everett Flannery, 2nd VP

Kennebec County

Sheriff John Grogan, Secretary

Franklin County

Sheriff Philip Cote, Treasurer

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Sheriff Mark Westrum, Immediate Past President

Sagadahoc County

Sheriff David Skyles, Past President

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Sheriff Dennis Pike

Franklin County

Sheriff Glen Ross

Penobscot County

Sheriff Joseph Tibbens

Washington County

Sgt. Donald Williams, Chaplain

Kennebec County

Thomas L. Welch, Chairman
Maine Public Utilities Commission
State House Station 18
Augusta, ME 04333

Dear Chairman Welch:

On October 20 I met with various officials at the FCC in Washington regarding RCC's redefinition case. The FCC's failure to move this case along has cost rural Maine over \$2 Million in funding for mobile service expansion. I explained to the FCC, including Commissioner Adelstein, that Maine law enforcement personnel have been severely hampered by the generally poor cell service coverage in the rural parts of our State.

Although Commissioner Adelstein assured me that he would move the RCC case along, I am not aware that anything has happened in the six weeks since our meeting.

Last month, the Maine Sheriffs Association unanimously adopted a Resolution asking the FCC to "complete the aforesaid redefinition proceeding in a manner that will allow RCC to utilize USF funding in order to expand cellular service in all portions of rural Maine served by RCC, including USF funding applicable to those portions of the State of Maine that are currently subject to the pending redefinition proceeding." I am enclosing a copy of this Resolution for your consideration.

Any assistance that the Maine PUC could offer in resolving this case would be greatly appreciated by the Maine Sheriffs.

Very truly yours,

Ernest B. Flannery Jr.
Sheriff Everett B. Flannery, Jr.
MSA, 2nd VP

Enclosure



MAINE SHERIFFS' ASSOCIATION

RESOLUTION SUPPORTING RURAL CELLULAR CORPORATION'S PETITION FOR REDEFINITION OF SERVICE AREAS BEFORE THE FCC

WHEREAS, RCC Minnesota (RCC) provides cellular telecommunications service in many portions of the State of Maine, and

WHEREAS, on May 13, 2003 the Maine Public Utilities Commission (Maine PUC) designated RCC as an Eligible Telecommunications Carrier under the Telecommunications Act of 1996, making it eligible to receive Federal Universal Service (USF) funding to be used to expand cellular service in rural Maine, and

WHEREAS, the Maine PUC ordered redefinition of the various service areas of certain Maine independent local exchange carriers to the wire center level, and

WHEREAS, the Federal Communications Commission (FCC) elected to open a formal proceeding to determine whether it would concur with the Maine PUC's redefinition decision, and

WHEREAS, the FCC's formal proceeding has been pending for over a year with the FCC having taken no action to date, and

WHEREAS, until the FCC concludes its proceeding, RCC will not have available approximately \$ 2.2 million per year of USF funding that it would otherwise use to expand cellular service in rural Maine, and

WHEREAS, due to the FCC's inability to complete its proceeding (a) RCC is barred from making USF-funded expansions in those areas of the State affected by the proposed redefinition, and (b) low-income Maine citizens who would otherwise qualify for federal lifeline support cannot obtain such support to purchase cellular telephone service, and

WHEREAS, cellular service is either non-existent or unreliable throughout much of rural Maine, and

WHEREAS, the lack of adequate cell service constitutes a significant barrier to economic development in rural Maine, and

WHEREAS, this lack of reliable cellular service constitutes a serious impediment to rural law enforcement and the delivery of emergency services in Maine, thereby putting the health and safety of Maine citizens at great risk, and

WHEREAS, the expansion of cellular service throughout rural America, including rural Maine, as intended by the Telecommunications Act of 1996 is of vital importance to the ability of the sixteen sheriff's departments of Maine to adequately protect the health and safety of the citizens we serve, and to carry out our Homeland Security responsibilities and other large-scale operations,

NOW, THEREFORE, the MAINE SHERIFFS' ASSOCIATION hereby unanimously resolves:

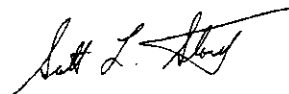
(1) to request that the FCC complete the aforesaid redefinition proceeding in a manner that will allow RCC to utilize USF funding in order to expand cellular service in all portions of rural Maine served by RCC, including USF funding applicable to those portions of the State of Maine that are currently subject to the pending redefinition proceeding; and

(2) to authorize the officers of the Association to take such action as they deem appropriate

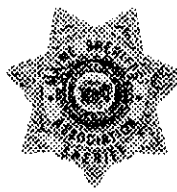
(a) to bring this Resolution to the attention of the FCC and Maine's Congressional representatives and for the purpose of securing full funding for RCC; and

(b) to raise this issue with the National Sheriffs' Association (NSA) for the purpose of working with sheriffs throughout the United States to secure adequate USF support for the expansion of cellular service in all rural portions of the United States.

IN WITNESS WHEREOF, I hereby certify that the above Resolution was unanimously adopted at a regular meeting of the Maine Sheriffs' Association held on November 18, 2004.



Sheriff Scott Story, Waldo County
President.



MAINE SHERIFFS' ASSOCIATION

RESOLUTION SUPPORTING UNITED STATES CELLULAR'S APPLICATION FOR UNIVERSAL SERVICE FUNDING

WHEREAS, United States Cellular Corporation (US Cellular) has submitted an application to the Maine Public Utilities Commission (Maine PUC) seeking to qualify as an Eligible Telecommunication Carrier (ETC) so as to receive funding from the federal Universal Service Fund, and

WHEREAS, US Cellular has indicated in testimony submitted to the Maine PUC that should it become eligible for such funding it will expand its cellular service network into various underserved areas of rural Maine, and

WHEREAS, cellular service is either non-existent or unreliable throughout much of rural Maine, and

WHEREAS, due to the large size and largely rural character of the State of Maine, this lack of reliable cellular service puts the health and safety of Maine citizens at great risk, and

WHEREAS, Sheriff DeLong of Somerset County, Sheriff James Madore of Aroostook County and Deputy Sheriff Sidney Hughes of Washington County have each provided written testimony in support of U.S. Cellular's application before the Maine PUC, and

WHEREAS, the extension of cellular service throughout rural Maine is of vital importance to the ability of the sixteen sheriff's departments of Maine to adequately protect the health and safety of the citizens we serve,

NOW, THEREFORE, the MAINE SHERIFFS' ASSOCIATION hereby unanimously adopts the following resolution:

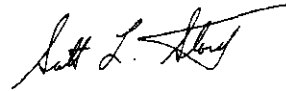
(A) That the Maine Sheriffs' Association hereby finds that the continued expansion of cellular service is in the best interest of the health and safety of Maine citizens. The current lack of dependable cellular service in rural Maine often

- (1) Prevents Maine law enforcement officers from carrying out their Homeland Security responsibilities and other large-scale operations;
- (2) Prevents Maine law enforcement officers from calling for back-up assistance when confronting a violent offender,
- (3) Prevents Maine law enforcement officers from contacting complainants prior to arriving at a scene to determine the seriousness of the situation and the need for back-up or other emergency services,

- (4) Prevents Maine law enforcement officers and other "first responders" from contacting either physicians or LifeFlight of Maine when dealing with a life-threatening injury requiring immediate attention, and
- (5) In general, hampers the efficient and safe discharge of the duties of law enforcement officers in rural Maine; and

(B) That the Maine Sheriffs' Association hereby unanimously endorses the Application of US Cellular seeking ETC status before the Maine PUC and directs its officers to take such action as they may deem appropriate to bring this Resolution to the attention of the Maine PUC and to undertake such other actions as they deem appropriate to effectuate the purposes of this Resolution.

IN WITNESS WHEREOF, I hereby certify that the above Resolution was unanimously adopted at a regular meeting of the Maine Sheriffs' Association held on November 18, 2004.



Sheriff Scott Story, Waldo County
President.